

EXHIBIT D

VILLAGE OF AIRMONT

LOCAL LAW 6 OF 1997

A LOCAL LAW AMENDING ARTICLE II
OF LOCAL LAW 7 OF 1993 ZONING
LOCAL LAW OF THE VILLAGE OF AIRMONT WITH REGARD
TO SITE DEVELOPMENT PLAN RULES AND REGULATIONS

Section I. TITLE.

This local law shall be cited and may be referred to as the "Site Development Plan Rules and Regulations of the Village of Airmont".

Section II. LEGISLATIVE INTENT and APPLICABILITY

In order to protect the public health, safety and welfare, all principal and accessory uses including conditional uses and uses by special permit other than a one family detached residence on a single lot or additions, alterations or structures accessory thereto shall require site development plan approval prior to the issuance of a building permit and/or a certificate of occupancy/use.

The Site Development Plan Rules and Regulations (SDPRR) are established herein by authority of Article 7 of the Village Law of the State of New York and Article 10 of the Municipal Home Rule Law. They supplement the requirements of Article IX of the Zoning Law of the Village of Airmont and apply to all site development plans required to be submitted to the Village Planning Board for all buildings, structures, and uses other than for one-family detached residences on a lot, or for additions, alterations or structures accessory thereto.

Section III. OBJECTIVES

The rules and regulations are intended to assist the Village Planning Board in fulfilling the objectives set forth in Section 2 of Article IX.

Section IV. APPLICATION AND PROCEDURE

All site development plans shall comply with the application requirements and procedure as set forth in Article IX.

Section V. PUBLIC HEARING NOTICE

At least twelve (12) days prior to the public hearing on the site plan, the applicant shall submit to the Planning Board Clerk, stamped envelopes containing the notice of the hearing, letter to

property owners and vicinity map indicating the location of the site addressed to all property owners whose names appear on the affidavit of property owners, certifying the names were obtained from the latest tax rolls. It shall be the responsibility of the Planning Board Clerk to mail the stamped envelopes by ordinary first class mail at least ten (10) days before the meeting and to certify that the notices were mailed. The applicant shall also submit an affidavit that, at least ten (10) days prior to the public hearing, posters were placed in visible locations on any public thoroughfare abutting the site at each end of the property. Said posters shall be provided to the applicant by the Planning Board Clerk. The applicant shall contact the Planning Board Clerk ten (10) days prior to the meeting to verify that the mailing has been sent and to confirm that the applicant has posted the property. The Village shall advertise the date, time and place of the hearing in the official newspaper of the Village at least five (5) days prior to said hearing. Failure of a property owner whose name appears on the affidavit of property owners to receive the notice shall not affect the validity of the public hearing.

Section VI. PUBLIC HEARING PROCEDURE

- A. Sign-in sheets (optional, for use at major hearings); Sign-in sheets may be made available for those wishing to register to speak at the discretion of the Chairman. During the public comment portion of the hearing, speakers will be called in the order shown on the sign-in sheets.
- B. Hearing Opened
 - 1. Chairman opens the hearing, explaining the purpose of the hearing and the history of the proposal before the Board.
 - 2. Affidavit of posting, and certification of mailing are noted.
 - 3. Reports in the file are noted.
 - 4. Comments of the other municipal agencies are noted.
- C. Applicant's Presentation: The applicant, his technicians, attorneys, etc. make their presentation
- D. Village Consultant Reports: Village consultants, agencies, etc. present a short summary of their reports in the file.

E. Public Comment:

1. Names are called from sign-in sheets, in order, until sheet is exhausted.
2. Each speaker shall state his/her name and address.
3. Each person may speak once; the maximum time allocation may be limited to three (3) minutes.
4. All comments and/or questions shall be directed to the Planning Board and any questions asked will be answered by the appropriate party, as directed by the Chairman.
5. When the public has concluded, the applicant is permitted to comment.
6. Any member of the public wishing clarification may ask for such at this time, with a time limit of three (3) minutes.

F. Close of the Public Hearing.

G. Board Discussion of Application.

H. Board Action: The options available to the Board are:

1. Approve the application.
2. Approve the application with conditions and/or modifications.
3. Deny the application.
4. Reserve decision and/or adjourn to a future meeting.

Section VII. SITE DEVELOPMENT PLAN APPLICATION MATERIALS

- A. Application Checklist: At the time of the application for site development plan approval, the applicant shall submit all site development plan materials and forms as prescribed by the Planning Board. The forms and checklist shall be supplied to the applicant by the Planning Board Clerk.
- B. Site Development Plan Specifications: The site development plan should be presented in a series of sheets of uniform size containing the information listed below on each of the respective sheets.

1. Planimetric Site Layout Sheet (Sheet No. 1):
(Note: Topography is not shown on this sheet)
 - a. Area map at a scale of 1" = 300' (this is the Tax Map scale).
 - b. Existing zoning district boundaries within 500 feet, to be shown on the area map. If such a boundary goes through the site in question, it should also be shown on the site development plan.
 - c. All properties owned by applicant within 500 feet of the site. If the applicant is other than the owner of record, then all properties owned by the applicant and the owner within 500 feet of the site plan shall be shown.
 - d. Standard site development plan notes as set forth in paragraph (C) of this section.
 - e. Property boundaries and existing tax lot lines.
 - f. Existing public streets abutting or crossing site.
 - g. Existing structures and uses located on site.
 - h. Approximate locations of existing structures on adjacent properties within 500 feet of perimeter of the site.
 - i. Proposed location and use of any new building or structure, including all above ground mechanical, electrical and other utility equipment.
 - j. Proposed location of: (1) walkways, (2) benches, (3) recreation facilities, and (4) dumpsters and dumpster enclosures.
 - k. Existing and proposed vehicular access to and from the site.
 - l. Location and layout of: (1) driveways, (2) parking areas, and (3) loading areas.
 - m. Proposed location, type and height of fencing.
 - n. Proposed location of outdoor lighting fixtures.
 - o. Site development plan of complete development, showing stages of construction, if applicable.

p. Along all road frontages show: (1) centerline of existing right-of-way, (2) edge of existing pavement, (3) designated street line, (4) front setback line, and (5) existing trees over 8" in diameter (measured 4' above grade) located within the designated street line and a description of their condition.

q. Location of the curb cuts (or points of access and egress for the properties immediately abutting and across the street from the access point(s) to the site).

r. The computation for the required number of parking spaces as set forth in Article VII of the Zoning Law.

s. Types of materials proposed to be used on the site.

t. On site development plans involving signs, the location of freestanding signs in relation to the designated street line.

u. All pertinent zoning setback and yard dimension lines.

v. Legends, north arrow, graphic scale and title block.

w. A 3 1/2 inch blank square, in the lower right hand corner, immediately above the title block for purposes of an approval block.

x. A table comparing the bulk requirements of the zoning district for the proposed use with the bulk proposed by the applicant. Any variances shall be noted.

2. Grading, Drainage and Utilities Plan Sheet (Sheet No. 2):

a. All items listed for Sheet No. 1 should be shown with the exception of items a", "b", "d", "n", "r", "t", "u", "w" and "x".

b. Existing and proposed contours at two (2) foot intervals (or less) extended to 50 feet beyond the boundaries of the site. Elevation data shall be NGVD 1929 Datum.

c. Location and types, sizes and slopes, where pertinent, of existing and proposed: (1) water lines, (2) valves and hydrants, (3) storm and sanitary sewer lines, (4) electric lines, (5) telephone lines, gas and other utility lines, and (6) utility poles. Typical cover should be indicated over all proposed underground utility lines.

d. Existing and proposed stormwater drainage and underdrain systems including: (1) location, size and slopes of all pipes and scales including invert and top elevations at each manhole, inlet, headwall or other appurtenant drainage structure; (2) base width, side slope, inverts, and lining of each swale (rip-rap, asphalt, concrete grass, etc.); and (3) inverts of underdrain systems at bends and outlets.

e. In addition to the drainage items in "d" above, the applicant should supply the following: (1) 400' scale map showing the limits of the watershed in which the property is located (the development site should be shaded in); (2) drainage computations for the runoff entering the site for fully developed watershed and for the site itself after proposed development; (3) a marked-up grading plan showing sub-areas colored in to each drainage structure; and (4) an analysis of existing condition runoff compared to developed condition runoff.

f. Location and spot grades at top and bottom of retaining walls.

g. The following standard erosion control notes:

"Standard Erosion Control Notes"

An erosion system will be utilized by the developer to minimize the production of sediment from the site. Methods to be utilized will be those found most effective for the site and shall include one or more of the following as applicable.

(1) Temporary sedimentation entrapment areas shall be provided at key locations to intercept and clarify silt laden runoff from the site. These may be excavated or may be created utilizing earthen berms, rip-rap or crushed stone dams, hay bales, or other suitable materials. Diversion scales, berms or other channelization shall be constructed to insure that all silt laden waters are directed into

the entrapment area, which shall not be permitted to fill in, but shall be cleaned periodically during the course of construction. The collected silt shall be deposited in areas safe from further erosion.

(2) All disturbed areas, except roadways, which will remain unfinished for more than thirty (30) days shall be temporarily seeded with 1/2 lb. of rye grass or mulched with 100 lbs. of straw or hay per 1,000 per square feet. Roadways shall be stabilized as rapidly as practicable by the installation of the base course.

(3) Silt that leaves the site in spite of the required precautions shall be collected and removed as directed by appropriate municipal authorities.

(4) At the completion of the project, all temporary siltation devices shall be removed and the affected areas regraded, planted, or treated in accordance with the approved site plans.

3. Landscaping and Lighting Plan Sheet (Sheet No. 3):

- a. All items listed for Sheet No. 1 should be shown with the exception of items "a", "b", "d", "r", "t", "u", "w", and "x".
- b. Location, direction, type and height of outdoor lighting facilities, including isolux curves.
- c. Location and extent of existing: (1) wooded areas, (2) rock outcrops, and (3) single large trees or more, measured four (4) feet above grounds.
- d. Proposed location, design and type of: (1) screening (2) buffers, and (3) landscaping, including trees. A planting list should be provided on the drawing, keyed to plan, showing botanical and common names species, quantities, height and caliper of planting materials. Provide a separate list of all existing materials to be retained. The landscaping plan and schedule shall be prepared and certified by an appropriate licensed design professional.
- e. The following standard landscapes notes:

"Standard Landscape Notes"

- 1) Applicant or owner shall maintain all plantings on the site plan in living condition and shall

replace any dead or dying plant material as necessary to comply with site plan.

2) All planting shall be placed under the direction of an appropriate licensed design professional.

3) All plant material shall be nursery grown and shall conform to the American Association of Nurserymen's Standards".

4) A certification shall be submitted by the design professional that all plantings have been planted under his direction and in accordance with the landscaping plan prior to the issuance of a certificate of occupancy.

4. Profile and Detail Plan Sheet(s) (Sheet No. 4, etc. as many as required)

a. Profiles of roads, driveways, storm drainage pipes and channels and sewer pipes.

b. Elevation view of any free-standing signs, showing dimensions and sign area (both sides count) and setback from designated street line; and on building fascia, the height of signs above grade, their overall height, dimensions and area.

c. Construction details illustrating all site improvements and those required in other sections of the Site Development Plans Rules and Regulations, in accordance with Village construction standards and specifications.

5. Additional Sheets

a. For phased projects or large-scale projects, separate sheets may be required to provide adequate clarity.

C. Standard Site Development Plan Notes: The following standard notes should be placed on the Planimetric Site Layout Sheet (Sheet No. 1) in a legible, convenient manner:

1. This is Lot _____ in Section _____ as shown on the Town of Ramapo Tax Map.

2. Area of Tract:

3. Zone:

4. Proposed use:
5. Record owner:
6. Applicant:
7. Fire district:
8. School district:
9. Water district:
10. Water supply by:
11. Sewer District:
12. Datum: USGS
13. All utilities underground. Electric service shall be in conduit of not less than 2 inch diameter.
14. There are no covenants, deed restrictions, easements, or other reservations of land relative to this site, except as shown on said plan (except for the following):
15. (When appropriate): The Zoning Board of Appeals, on _____ as case number _____ in the application of _____ granted variances for (list variances and conditions, if any).
16. No sign(s) other than those shown on this plan are permitted without prior approval of the Planning Board (tenants are to be advised of this condition).
17. The undersigned, owner and/or applicant, as a condition of approval of this site plan, hereby agrees to complete the within site development plan as drawn and all improvements shown thereon, as a condition of the issuance of a building permit. The applicant/owner is aware that no changes in this plan may be made unless approved by the Planning Board.

Applicant _____ Date _____
Owner _____ Date _____

18. Plans are based on field engineering data and certified hereto by:

Licensed Professional Engineer
or Land Surveyor

Date

- D. Site Development Plan Revisions: All site development plans that are submitted to the Planning Board, which have been revised, shall have the revision number noted in a triangle along with a brief summary of the elements revised and the dates of revision. Additionally, this revision number (in triangles) is to be used to indicate on the plan those places where the changes have been made. Any plan submitted without this system shall be returned to the applicant and shall be subject to a resubmission fee.

Section VIII. LANDSCAPING

- A. Traffic Movement: In areas where landscape materials are used to define paths of traffic movement, the following guidelines shall be used:
1. Plant materials shall consist of upright Juniper or Yew, Barberry, Firethorn, Evergreen Euonymus or such other materials as approved by the Planning Board.
 2. Plants shall be selected to achieve not more than 3' mature height. Planting height shall be 18" - 24".
 3. Plants shall be spaced to create a compact hedge border at time of planting.
 4. As an alternate, street trees may be used. Trees shall be approved by the Planning Board and, shall have a 3 1/2" - 4" caliper, shall be spaced 20' on center, and have branching begin at a height no less than 10' and no greater than 12'.
 5. Planting beds shall be covered with the following material:
 - a. Mulch or approved equivalent at 4" minimum depth or stone aggregate at 3" minimum depth.
 - b. Where pedestrian cross traffic is evident, a paving material shall be used such as paving blocks set in sand with tight joints or Epoxy-Rok or equivalent.

- B. **Parking Areas:** In areas where landscape materials are used to complement parking areas, the following guidelines shall be used:
1. Planting islands at the end of or within parking bays shall be sufficiently large to ensure the survival of the planting contained therein and shall conform to the following criteria:
 - a. low growing planting materials with maximum mature height of 3' with planting height of 18' - 24".
 - b. Trees with 3 1/2" - 4" caliper with a maximum of 30' on center.
 - c. Trees with low growing branches, gum or moisture seeds or pods shall be avoided.
 - d. Branching of trees shall begin at a height no less than 10' and no greater than 12'.
 - e. Planting beds shall be covered as in A.5 above.
 2. Perimeter and lawn areas shall be planted with shade trees with Horizontal Juniper or other ornamental Evergreens of comparable growth habit and lower areas. Plant material shall have an 18" - 24" spread and shall be spaced 18" on center.
 3. All parking areas adjacent to roadways shall contain planting berms along the road frontage approximately 2 1/2' - 3' high and approximately 14 feet wide and shall conform to B.1 above.
- C. **Entrance Definition:** Where landscape materials are used to define the point of entrance to a facility, the following guidelines shall be used:
1. Plant materials shall consist of a carefully designed variety of Evergreen shrubs selected from the following:
 - a. Upright Yew
 - b. Azalea
 - c. Japanese Andromeda
 - d. Euonymus
 - e. Rhododendron
 - f. Laurel
 - g. Boxwood
 - h. Other Evergreen varieties as approved by the Planning Board.

2. Design may be a natural or formal setting. However, plant height shall not interfere with required sight distances.
 3. Planting beds shall be covered in A.5 above.
- D. Pedestrian Area: Where landscape materials are used to complement areas intended for pedestrian activity, the following guidelines shall be used:
1. Pedestrian areas shall be paved with concrete or paving block set in concrete or other suitable material.
 2. In order to minimize large areas of paving, landscape features, such as 2'-3' earth mounds and planters, shall be used.
 3. Plant materials shall consist of a variety of Evergreen and Deciduous shrubs and trees selected from the following:

<u>Evergreen</u>	<u>Deciduous</u>
a. Spreading Yew	a. Japanese Red Maple
b. Boxwood	b. Crab Apple
c. Laurel	c. Cherry
d. Euonymus	d. Dogwood
e. Azalea	e. Azalea
f. Juniper	f. Forsythia
g. Japanese Andromeda	g. Lilac
h. White Pine	h. Other varieties
i. Mugo Pine	approved by the
j. Rhododendron	Planning Board
k. Other varieties	
approved by the	
Planning Board	

4. Planting beds shall be covered as in A.5 above.
- E. Screen: Where landscape materials are used for screening purposes, the following guidelines shall be used:
1. When sufficient space is available, a dense screen of Evergreen plant materials shall be used.
 2. Materials shall include a mixture of:
 - Pine
 - Spruce
 - Hemlock
 - Arborvitae

3. Plant materials shall be 8'-10' in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing.
 4. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or espaliered plant materials.
- F. Natural Area: Where landscape materials are used primarily to beautify otherwise vacant spaces, the following guidelines shall be used:
1. Planting varieties shall be the same as in D.3 above.
 2. Where practical, earth forms should be used such as 2'-3' landscaped mounds.
 3. Planting bed cover: Same as A.5 above or, as an alternate, sod may be substituted.
- G. State and County Highway Right-of-Way: Where landscape materials are used to complement areas within a State and County Highway and/or right-of-way, the following guidelines shall be used:
1. The area shall be covered with sod or, as an alternative, stone aggregate at a minimum 3" depth may be substituted.
 2. Evergreen and/or Deciduous materials shall be placed according to size approved by appropriate highway jurisdiction.
- H. General Requirements:
1. Plant material shall be nursery grown and selected according to hardiness and ability to withstand highway salt conditions.
 2. Spaces to receive plant materials shall have a minimum inside width of 9'.
 3. Loose material such as mulch and stone aggregate shall be spread within a landscaped space at a level not to exceed 1 1/2" below top-of-curb.
 4. Areas that will receive continued pedestrian movement shall be paved.
 5. Landscape plans shall be designed by an appropriate licensed professional who shall certify as to plant hardiness, and shall provide as built plans of the

completed project. A certification shall be submitted by the designated professional that all plantings have been planted under his direction and in accordance with the landscaping plan prior to the issuance of a certificate of occupancy.

Section IX. LIGHTING SYSTEMS

- A. Performance Standards: Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the Planning Board. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roadways. No flood lights in excess of 100 watts shall be installed without specific written approval from the Planning Board of the Village of Airmont.
- B. Design Standards: The following design standards shall be followed on all site development plans:
1. The style of the light and light standard should be consistent with the architectural style of the principal building.
 2. The maximum height of free-standing lights should be the same as the principal building but not exceeding 25 feet.
 3. All lights should be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees.
 4. Where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
 5. Spotlight-type fixtures attached to buildings should be avoided.
 6. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.
 7. Lighting should be located along streets, parking areas at intersections and where various types of circulation systems merge, intersect or split.
 8. Pathways, sidewalks and trails should be lighted with low or mushroom type standards.
 9. Stairways, sloping or rising paths, building entrances and exits should be illuminated.

10. Lighting should be provided where buildings are set back or off-set.
11. The following intensity in footcandles should be provided:
 - a. Parking lots - an average of 1.0 footcandles;
 - b. Intersections - minimum of 2.0 footcandles;
 - c. Maximum at property lines - 0.6 footcandles;
 - d. In residential areas - average of 0.6 footcandles.

Section X. PARKING AND LOADING AREAS

- A. Requirements and Standards: All parking and loading areas on site development plans shall be designed and arranged in accordance with Article VII of the Zoning Law.
- B. Parking Spaces: All Detail Plan Sheets of site development plans shall contain a standard parking space and painting schedule as shown in the attached Appendix.
- C. Parking End Islands: All parking area end islands shall be designed and constructed in accordance with the details as shown in the attached Appendix, and shall be on all Detail Plan Sheets.
- D. Parking for Handicapped Persons: All site development plans shall provide for parking spaces designated for the handicapped, which shall be posted with a standard sign, to be illustrated on the Detail Plan Sheet in accordance with the New York State Uniform Fire Prevention and Building Code.
- E. Fire Lanes and Zones: All fire lanes or zones shall be shown on the planimetric site layout sheet plan (Sheet No. 1) and should be clearly labeled and dimensioned, and marked with a sign as shown in the attached Appendix.
- F. Parking lots shall be arranged and designed, to the maximum extent possible, as shown on the parking detail in the attached Appendix.

Section XI. SIGNS

- A. Application and Procedure for Approval of Signs: All signs permitted in the Village shall comply with the application requirements and procedure as set forth in Article VIII of the Zoning Law.

Section XII. APPENDIX

The details and drawings as shown in the attached Appendix are incorporated herein and shall be utilized by the applicant in its designs and plans unless modified by the Planning Board.

Section XIII. ADJUSTMENTS OF REGULATIONS

Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary difficulties may result from strict compliance with these regulations, it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations. In granting any adjustment, the Planning Board shall attach such conditions as are in its judgment, necessary to secure substantially the objectives of the regulations so adjusted.

Section XIV. ADDITIONAL REGULATIONS

The Board of Trustees may at any time adopt additional regulations or amend regulations contained in this local law by resolution.

Section XV. EFFECTIVE DATE

This local law shall be effective immediately upon filing with the Secretary of State.